

1 Amend 2 Cal. Code Regs. Section 18360 to read:

2 **§ 18360. Complaints**

3 (a) Pursuant to Government Code Section 83115, any person may submit a formal
4 complaint to the Commission concerning possible violations of the Political Reform Act
5 relating to any state agency, state official, state election, state lobbyist or state legislative
6 or administrative action.

7 (b) Formal complaints may be filed on a form made available by the Commission
8 and in any event shall:

9 (1) be in writing;

10 (2) be verified by the complainant;

11 (3) identify the person or persons who allegedly violated the Act and the specific
12 provision or provisions of the Act allegedly violated;

13 (4) describe with as much particularity as possible the facts constituting the
14 alleged violation;

15 (5) include or describe with as much particularity as possible any evidence or
16 means of obtaining evidence in support of the complaint; and

17 (6) include names and addresses of potential witnesses, if known.

18 (c) Nothing in this regulation shall prevent any person from informally
19 complaining to the Commission or presenting information regarding possible violations
20 of the Act, but only formal complaints filed substantially in conformity with subsections
21 (a) and (b) shall entitle the complainant to the procedural rights set forth in Government
22 Code Section 83115 and in this regulation. The members of the Commission and, where
23 appropriate, other agencies which have an interest shall be provided with information

1 about all informal complaints on a regular basis. The staff shall make every effort to
2 cooperate with any governmental agency which would be in a position to assist the staff
3 on the complaint. The staff may, however, decline to disclose the identity of a
4 confidential source.

5 (d) Upon receipt of a formal complaint that conforms with the provisions of
6 subsection (b), the staff shall send a copy to the members of the Commission and prepare
7 an initial response.

8 (e) The initial response to a formal complaint shall be made in writing to the
9 complainant within 14 days by the Executive Director on behalf of the Commission and
10 shall state that the Commission:

- 11 (1) will investigate the allegations of the complaint; or
12 (2) will require additional time to evaluate the complaint to determine whether an
13 investigation should ensue and provide an appropriate explanation for the delay; or
14 (3) will refer the complaint to another agency; or
15 (4) will take no action on the complaint because the Commission has no
16 jurisdiction to investigate the complaint; or

17 (5) will take no action on the complaint because the allegations of the complaint
18 do not warrant further action by the Commission for the reasons stated in the response.

19 (f) If the initial response is made pursuant to subparagraphs (e) (3), (4) or (5), it
20 shall be sent to the members of the Commission before it is sent to the complainant. The
21 members of the Commission shall be given reasonable time to suggest changes in the
22 response and, if any member requests, the matter shall be considered in executive session

1 at the next Commission meeting at which time the Commission may instruct the staff to
2 take appropriate further action.

3 (g) In the case of a formal complaint, if no final action was taken at the time of
4 the initial response, the Executive Director shall take such steps as are appropriate under
5 2 Cal. Adm. Code ~~Section 18361~~ Sections 18361.1 through 18361.8 or shall prepare a
6 final response stating that the Commission will take no further action and stating the
7 reason for the decision. Such a final response shall be sent to the members of the
8 Commission before it is sent to the complainant. The members of the Commission shall
9 be given a reasonable time to suggest changes in the response and, if any member
10 requests, the matter shall be considered in executive session at the next Commission
11 meeting at which time the Commission may instruct the staff to take appropriate further
12 action.

13 (h) If, in the exercise of his or her discretion, the Executive Director determines
14 that prompt action is required on a formal complaint, he or she may approve the sending
15 of an initial or final response without complying with the provisions of subsections (f) or
16 (g). However, the Executive Director shall make reasonable efforts to consult with the
17 members of the Commission consistent with the need for prompt action.

18 (i) If the person who filed the formal complaint disagrees with an initial or final
19 response, he or she may submit in writing, within 20 days of receipt of the response, a
20 request for reconsideration which shall be directed to the Chairman of the Commission.
21 Such request shall be considered by the Commission in executive session at its next
22 regularly scheduled meeting. Written notice of the Commission's decision shall be sent to
23 the complainant by the Chairman.

- 1 NOTE: Authority: Section 83112, Government Code.
- 2 Reference: Sections 83115, 83115.5 and 83116, Government Code.